

**MINUTES OF THE REGULAR MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
JUNE 5, 2012**

MEMBERS PRESENT:

RON TOVAR, VICE-CHAIRMAN
TUESDAY COOLEY, PLACE 3
CONNIE ADAMS, PLACE 5
JOE ASHTON, ALTERNATE # 2
DONALD ISTOOK, ALTERNATE # 4

STAFF MEMBERS PRESENT:

MARVIN GREGORY, ZONING ADMINISTRATOR
JAMES HATLEY, PUBLIC WORKS DIRECTOR
SUSAN STEWART, ZONING SECRETARY

MEMBERS ABSENT:

ROYCE SHIELDS, CHAIRMAN, PLACE 1 (PERSONAL)
STAN CUMBERLEDGE, PLACE 4 (OUT OF TOWN)
NICKI MATTHEWS, ALTERNATE # 1 (PERSONAL)
STEVE HOLLAND, COUNCIL LIAISON

1. CALL TO ORDER

Vice-Chairman Tovar called the Regular Meeting of the River Oaks Zoning Board of Adjustments to order at 7:32 p.m. on Tuesday, June 5, 2012 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Member Istook gave the Invocation and Vice-Chairman Tovar led the Pledge of Allegiance.

3. ROLL CALL

Roll Call was recorded as follows: Chairman Shields, Place 4 Member Cumberledge, Alternate # 1 and Council Liaison Holland were absent, all excused.

It was announced that Alternate Member # 2 Ashton and Alternate Member Istook # 4 would serve as a voting members for this meeting only.

4. APPROVAL OF MINUTES FROM THE REGULAR MEETING OF APRIL 3, 2012

Member Ashton moved, seconded by Member Cooley, to approve the Minutes of the Meeting of the Zoning Board of Adjustments for April 3, 2012 as presented. All voted "Aye."

5. ***OATH OF TESTIMONY***

Vice-Chairman Tovar administered the Oath of Testimony to ZA Gregory, Jerry Tucker, and Charlotte Delois Hall (4704 Ohio Garden), all slated to give testimony in the upcoming Public Hearing portion of the meeting.

6. Public Hearing: Public input on the variance request of **Charlotte Delois Hall at 4704 Ohio Garden Rd.** to construct a 20 X 21 integrally built carport that is located 33-feet from the street and within 5-feet of the side yard property line in violation of the City's Zoning Ordinance under Section 9 "R-2" Single-Family Zoning District" (D) "Development Regulations" # 3 in that there shall be a front yard of not less than 40-feet and D#5 "Side Yard" in that there shall be a side yard of not less than 10-feet. *(ZBA Case # 2012-03).*

At 7:34 p.m. Vice-Chairman Tovar opened the public hearing.

Jerry Tucker requested a variance to construct an integrally built carport to within 5-feet of the side yard and to within 33-feet of the front building line. The carport would be in line with the existing residence that was constructed at 5-feet from the property line.

Member Istook asked the owner if her garage was functional. Charlotte Hall, owner of the property, replied that the garage is functional but is used for storage.

Member Cooley asked the length of time requested to complete the project. Mr. Tucker requested 30-days.

It was mentioned that the carport could not be located on the opposite side of the property or in the rear lot due to the removal of trees.

At 7:42 p.m. Vice-Chairman Tovar closed the public hearing.

7. Action from Public Hearing: Consider action from the ZBA regarding the variance request of **Charlotte Delois Hall at 4704 Ohio Garden Rd.** to construct a 20 X 21 integrally built carport that is located 33-feet from the street and within 5-feet of the side yard property line in violation of the City's Zoning Ordinance under Section 9 "R-2" Single-Family Zoning District" (D) "Development Regulations" # 3 in that there shall be a front yard of not less than 40-feet and D#5 "Side Yard" in that there shall be a side yard of not less than 10-feet. *(ZBA Case # 2012-03).*

Member Adams made the following motion, "I find that the variance request of Charlotte Delois Hall at 4704 Ohio Garden Rd. due to special conditions, a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship and therefore I move to grant a Variance from the Zoning Ordinance in order to allow the applicant at 4704 Ohio Garden Rd. to construct a 20 X 21 integrally built carport that is located 33-feet from the street and within 5-feet of the side yard property line in violation of the City's Zoning Ordinance under Section 9 "R-2" Single-Family Zoning District" (D) "Development Regulations" # 3 in that there shall be a front yard of not less than 40-feet and D#5 "Side Yard" in that there shall be a side yard of not less than 10-feet. (ZBA Case # 2012-03)." Motion seconded by Member Cooley. Vice-Chairman Tovar and Members Cooley, Adams, and Ashton voted "Aye." No discernible vote was recorded for Member Istook. Motion passed with 4 Ayes.

Member Cooley moved, seconded by Member Adams, to amend the motion to allow 90-days for completion of the project. Vice-Chairman Tovar and Members Cooley,

Adams, and Ashton voted "Aye." No discernible vote was recorded for Member Istook. Motion passed with 4 Ayes.

8. Consider approval of the request by Sandra Ward from the April 3, 2012 meeting to withdraw the application for appeal before the ZBA pertaining to the registration of non-conformity for the property at 5501 Baylor Rd.

Vice-Chairman Tovar read the following: "Attorney Woods at the April 3rd Public Hearing regarding the appeal for registration of non-conformity on the property at 5501 Baylor Rd stated that Ms. Ward could withdraw her request before the ZBA before a decision is rendered to avoid the 12-month waiting period for re-application. Ms. Ward verbally withdrew her request. Attorney Woods noted that a written withdrawal is required. The document could be presented to city staff and approved by the board at the next regular meeting. Enclosed is the signed affidavit that needs ZBA action to confirm."

Member Cooley moved, seconded by Member Ashton, to accept the withdrawal as presented. All voted "Aye."

9. Executive Session pursuant to Chapter 551, Texas Government Code, the Zoning Board of Adjustments (ZBA) reserve the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The ZBA may convene in executive session to discuss the following:

Sec. 551.071 Pending or contemplated litigation or to seek advice from attorney

None called for.

10. Action from Executive Session

None.

11. Adjournment

Member Istook requested that when a vote is called, the chairman call for nay votes as well as aye votes.

Much discussion occurred related to the responsibility of the applicant to prove a hardship. Member Istook mentioned the responsibility of board members to adhere to the guidelines of the rules and procedures specifically related to hardships. Member Istook mentioned that perhaps the ordinances should be amended.

Vice-Chairman Tovar pointed out that the drawings received are sometimes not accurate. Board Members requested that Staff notify applicants that architectural type drawings would be required. ZA Gregory stated that the rules and procedures could be amended to require blue-prints.

John Claridge pointed out that the City Council had recently denied the recommendation of the ZBA and the Planning and Zoning Commission to increase the size of accessory structures.

At 8:05 p.m. Member Istook moved, seconded by Member Ashton, to adjourn the meeting. All voted "Aye."

APPROVED THIS 2ND DAY OF OCTOBER 2012:

BY:



Ron Tovar, Vice-Chairman
Zoning Board of Adjustments

ATTEST:



Susan Stewart,
Zoning Secretary